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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/072,175	02/07/2002	Frank J. Chu	PT-035	1300
7590	08/10/2007		EXAMINER	
JOHN W. OLIVO, JR.			JOO, JOSHUA	
WARD & OLIVO				
382 SPRINGFIELD AVENUE			ART UNIT	PAPER NUMBER
SUMMIT, NJ 07901			2154	
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			08/10/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/072,175	CHU ET AL.	
	Examiner	Art Unit	
	Joshua Joo	2154	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 22 June 2007.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-5 is/are pending in the application.
4a) Of the above claim(s) 2 is/are withdrawn from consideration.
5) Claim(s) _____ is/are allowed.
6) Claim(s) 1 and 3-5 is/are rejected.
7) Claim(s) _____ is/are objected to.
8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 2/7/02 is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date

4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
5) Notice of Informal Patent Application
6) Other: _____

Detailed Action

Response to Communication dated 6/22/2007

1. Claims 1-5 are presented for examination.

Claim 2 is withdrawn from consideration.

Response to Arguments

2. Applicant's arguments filed 6/22/2007 and 14/04/2006 have been fully considered but they are not persuasive. Applicant argued that Baxley fails to teach or fairly suggest that audio packets received by packet-switch conferencing server are to be sent asynchronously.
3. In response, the Examiner considers the term "asynchronously" as lacking or not concurrent in time. Baxley teaches of a server receiving audio input from packet-based endpoints (Paragraph 0050). It would have been apparent that users at the packet-based endpoints may speak at different times, i.e. not concurrently, for example, at the users' own convenience or may wait to speak to other users. Therefore, Baxley teach/suggests of receiving audio packets asynchronously

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 3-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over of Baxley et al, US Publication #2004/0085913 (Baxley hereinafter), in view Kung et al, US Patent #6,671,262 (Kung hereinafter).

6. As per claim 1, Baxley teaches substantially the invention as claimed including a method for audio conferencing between clients of a circuit switched network and clients of a packet switched network, Baxley's teachings comprising:

receiving a first audio packet, wherein said first audio packet is a mixture of packets received from each of the second plurality of clients who have been designated as an active speaker by said circuit-switched conferencing server (Paragraph 0050. Audio input is received from GSTN endpoints.);

receiving, by said packet-switched conferencing server, a plurality of audio packets, wherein said plurality of audio packets comprises a second audio packet from each of the first plurality of clients who have been designated as an active speaker by said packet-switched conferencing server (Paragraph 0050. Audio input is received from packet-based endpoints.) wherein said plurality of audio packets are received asynchronously (Examiner considers asynchronously as not concurrent in time. It is implicit that users may speak at varying times of each other.);

forwarding said second audio packets to said second plurality of clients (Paragraphs 0051-0052. Output stream is transmitted to the GSTN endpoints.).

mixing said first audio packet with said second audio packets from the first plurality of clients into a composite packet (Paragraphs 0050; 0054. Audio inputs are mixed. Sum stream represents the mixed input of all selected inputs.); and

forwarding said composite packet to each of the first plurality of clients connected to said packet-switched conferencing server (Paragraph 0052. Sum stream is directed to the packet-based endpoints.);

whereby the first and second plurality of clients, using varying equipment and protocols, can simultaneously participate in a single audio conference application (Fig. 1; Paragraph 0036. GSTN endpoints are based on packet-based network, packet-based endpoints are based on packet-based network.).

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7. Baxley teaches substantial features of the claimed invention including a single server serving as both a packet-switch conferencing server and a circuit-switched conferencing server. However, Baxley does not teach of establishing by a packet-switched conferencing server, a connection to a circuit-switched conferencing server; designating said connection as an active speaker on said packet-switched conferencing server; and forwarding, over said connection, said second audio packet to said circuit-switched conferencing server; whereby said packet-switched conferencing server is independent from said circuit-switched conferencing server.

Kung teaches of a system for conferencing comprising a plurality of conferencing servers, wherein a conferencing server establishes a connection with another conferencing server for forwarding audio packets received from a plurality of clients (col. 31, lines 29-50).

8. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings for the packet-switched server and the circuit-switched server comprised in a server as taught by Baxley to be implemented as independent servers and for an independent server to establish a connection with another independent server for forwarding of audio packets received from a plurality of clients as taught by Kung. Kung's teachings would provide distribution of load of a server and offload processing power of a server (col. 31, lines 36-39).

9. As per claims 3 and 5, Baxley teaches substantially the invention as claimed including a method and a computer readable storage medium for audio conferencing between clients of a circuit switched network and clients of a packet switched network, Baxley's teachings comprising:

receiving a first audio packet, wherein said first audio packet is a mixture of packets received from each of the second plurality of clients who have been designated as an active speaker by the said packet-switched conferencing server (Paragraph 0050. Audio input is received from packet-based endpoints.) wherein said plurality of audio packets are received asynchronously (Examiner considers

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asynchronously as not concurrent in time. It is implicit that users may speak at varying times of each other.);

receiving, by said circuit-switched conferencing server, a plurality of audio packets, wherein said plurality of audio packets comprises a second audio packet from each of the first plurality of clients who have been designated as an active speaker by said circuit-switched conferencing server (Paragraph 0050. Audio input is received from GSTN endpoints.);

mixing said first audio packet and said second audio packet into one combined audio packet (Paragraphs 0050; 0054. Audio inputs are mixed. Sum stream represents the mixed input of all selected inputs.);

forwarding said one combined audio packet to each of the first plurality of clients connected to said circuit-switched conferencing server (Paragraph 0052. Sum stream is directed to the GSTN endpoints.); and

forwarding said second audio packet to said second plurality of clients (Paragraph 0052. Output stream is transmitted to the packet-based endpoints.);

whereby the first and second plurality of clients, using varying equipment and protocols, can simultaneously participate in a single audio conference application (Fig. 1; Paragraph 0036. GSTN endpoints are based on packet-based network, packet-based endpoints are based on packet-based network.).

10. Baxley teaches substantial features of the claimed invention including a single server serving as both a packet-switch conferencing server and a circuit-switched conferencing server. However, Baxley does not teach establishing, by said circuit switched conferencing server, a connection to said packet-switched conferencing server; designating said connection as an active speaker on said circuit-switched conferencing server; and forwarding, over said connection, said second audio packet to said packet-

switched conferencing server, whereby said packet-switched conferencing server is independent from said circuit-switched conferencing server.

Kung teaches of a system for conferencing comprising a plurality of conferencing servers, wherein a conferencing server establishes a connection with another conferencing server for forwarding audio packets received from a plurality of clients (col. 31, lines 29-50).

11. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings for the packet-switched server and the circuit-switched server comprised in a server as taught by Baxley to be implemented as independent servers and for an independent server to establish a connection with another independent server for forwarding of audio packets received from a plurality of clients as taught by Kung. Kung's teachings would provide distribution of load of a server and offload processing power of a server (col. 31, lines 36-39).

12. As per claim 4, Baxley teaches substantially the invention as claimed including a computer readable storage medium for audio conferencing between clients of a circuit switched network and clients of a packet switched network, Baxley's teachings comprising:

computer readable program code means for causing the computer to receive, a first audio packet, wherein said first audio packet is a mixture of packets received from each of the second plurality of clients who have been designated as an active speaker by said circuit-switched conferencing server (Paragraph 0050. Audio input is received from GSTN endpoints.);

computer readable program code means for causing the computer to forward said first audio packet to each of the first plurality of clients connected to said packet-switched conferencing server (Paragraph 0051; 0052. Output stream is transmitted to the packet-based endpoints.);

computer readable program code means for causing the computer to receive, by said packet-switched conferencing server, a plurality of audio packets, wherein said plurality of audio packets

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comprises a second audio packet from each of the first plurality of clients who have been designated as an active speaker by said packet-switched conferencing server (Paragraph 0050. Audio input is received from packet-based endpoints.) wherein said plurality of audio packets are received asynchronously (Examiner considers asynchronously as not concurrent in time. It is implicit that users may speak at varying times of each other.); and

computer readable program code means for causing the computer to forward said second audio packet to said second plurality of clients (Paragraph 0051; 0052. Output stream is transmitted to the GSTN endpoints.);

whereby the first and second plurality of clients, using varying equipment and protocols, can simultaneously participate in a single audio conference application (Fig. 1; Paragraph 0036. GSTN endpoints are based on packet-based network, packet-based endpoints are based on packet-based network.).

13. Baxley teaches substantial features of the claimed invention including a single server serving as both a packet-switch conferencing server and a circuit-switched conferencing server. However, Baxley does not teach of establishing by a packet-switched conferencing server, a connection to a circuit-switched conferencing server; designating said connection as an active speaker on said packet-switched conferencing server; and forwarding, over said connection, said second audio packet to said circuit-switched conferencing server; whereby said packet-switched conferencing server is independent from said circuit switched conferencing server.

Kung teaches of a system for conferencing comprising a plurality of conferencing servers, wherein a conferencing server establishes a connection with another conferencing server for forwarding audio packets received from a plurality of clients (col. 31, lines 29-50).

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14. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings for the packet-switched server and the circuit-switched server comprised in a server as taught by Baxley to be implemented as independent servers and for an independent server to establish a connection with another independent server for forwarding of audio packets received from a plurality of clients as taught by Kung. Kung's teachings would provide distribution of load of a server and offload processing power of a server (col. 31, lines 36-39).

Conclusion

15. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joshua Joo whose telephone number is 571 272-3966. The examiner can normally be reached on Monday to Friday 7 to 4.

17. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan J. Flynn can be reached on 571 272-1915. The fax phone number for the organization where this application or proceeding is assigned 571-273-8300.

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18. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

August 2, 2007
JJ

NATHAN FLYNN
SENIOR ADVISORY PATENT EXAMINER